

PATENT

E0370 / AMDP721US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being sent to the United States Patent and Trademark Office via facsimile number (703) 872-9306, addressed to: Board of Patent Appeals and Interferences. Attn: Chief Clerk of the Board, United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: 1/18/05  
Eric D. Jorgenson

#242008  
Comp. for  
Telephonic  
(1/19/05)  
JCS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Jeffrey A. Shields, *et al.*

Examiner: Joannie A. Garcia

Serial No: 09/728,554

Art Unit: 2823

Filing Date: December 1, 2000

Title: DUAL SPACER PROCESS FOR NON-VOLATILE MEMORY DEVICES

Board of Patent Appeals and Interferences  
Attn: Chief Clerk of the Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**REQUEST TO PRESENT ARGUMENTS VIA TELEPHONE**

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Dear Sir:

A hearing has been set and confirmed for the subject case (Appeal No. 2004-2152) on Tuesday, March 8, 2005. Appellant hereby respectfully requests to present arguments via telephone in accordance with MPEP § 1209.



United States Patent and Trademark Office

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BOARD OF PATENT APPEALS  
AND INTERFERENCES

5360

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Amin & Turocy LLP  
24th, Floor National City Center  
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Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

Paper No: 25

Appeal No:

Appellant:

Application No:

Hearing Room:

Hearing Docket:

Hearing Date:

Hearing Time:

Location:

2004-2152

Shields, Jeffrey A., et al.

09/728,554

A

B

Tuesday, March 08, 2005

1:00 PM

MADISON BUILDING EAST WING

SECOND FLOOR

APPEALS SECTION

RECEIVED

JAN 18 2005

## NOTICE OF HEARING

## CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47.

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up.

The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

## CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences:

## BPAI HEARINGS FAX No:

(571) 273-0299  
USPTO Central Fax No.  
(703) 872-9306

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ALEXANDRIA, VIRGINIA 22313-1450

Clerk of the Board (571) 272-9797

In all communications relating to this appeal, please identify the appeal by its number.

## CHECK ONE:

☒ HEARING ATTENDANCE CONFIRMED☐ HEARING ATTENDANCE WAIVED

*Emil J. Jorgensen*  
Signature of Attorney/Agent/Appellant

Date

1/18/05

Registration No.

46,002

Names of other visitors expected to accompany  
counsel:

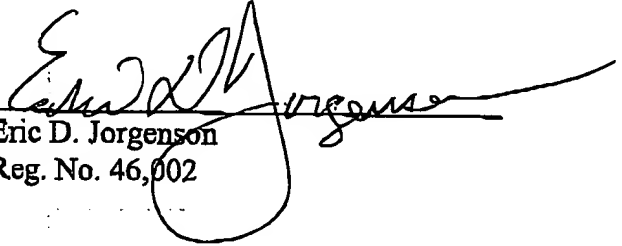
09/728,554

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In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Respectfully submitted,

AMIN & TUROCY, LLP



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